

NOV 07 2005

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FAX

Date November 7, 2005

To Office of Petitions

Of U.S. Patent and Trademark Office

Fax (571) 273-8300

From Pavel Pogodin, Reg. No. 48,205

Subject Petition for Revival of an Application for Patent Abandoned
Unintentionally under 37 C.F.R. § 1.137(b)

Pages 6
(including cover sheet)

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In re application of

Docket No: CQ10157

HWANG, et al.

Appln. No.: 10/753,258

Group Art Unit: Unknown

Confirmation No.: 8751

Examiner: Unknown

Filed: January 7, 2004

For: MOTION ACTUATOR

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PAPERS ENTITLED:

1)	Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b) (in duplicate)	2 pages
2)	Statement Establishing Unintentional Delay to Support Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b)	3 pages

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Docket No. CQ10157

First named inventor: Ing-Shouh HWANG
Application Number: 10/753,258
Filed: January 7, 2004
Title: MOTION ACTUATOR

Group Art Unit: Unknown
Examiner: Unknown

Attention: Office of Petitions

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450, Alexandria, VA 22313-1450

FAX: (703) 872-9306

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

1. Petition fee
 - ☒ Small entity - fee \$750.00 (37 C.F.R. § 1.17(m)). Applicant claims small entity status. See 37 C.F.R. § 1.27.
 - ☐ Other than small entity - fee \$_____ (37 C.F.R. § 1.17(m)).
2. Reply and/or fee
 - A. The reply and/or fee to the above-noted Office action in the form of
Response to Notice to File Corrected Application Papers (identify type of reply):
 - ☒ has been filed previously on July 2, 2005.
 - ☐ is enclosed herewith.
 - B. The issue fee of \$_____.
 - ☐ has been paid previously on _____.
 - ☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
 - ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
 - ☐ A terminal disclaimer (and disclaimer fee (37 C.F.R. § 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 C.F.R. § 1.137(b) was unintentional (MPEP § 711.03(c), subsections (III)(C) and (D))].
 - ☒ The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.
 - ☒ See Attached Statement.

November 7, 2005

Date

(650) 625-8100

Telephone

Signature

Pavel Pogodin

Typed or printed name

48,205

Reg. No.

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SUGHRUE MION, PLLC
MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

- Enclosures:
- ☒ Fee Payment. Please charge statutory fee of \$750.00 to Deposit Account No. 19-4880. A duplicate sheet of this Petition is attached.
 - ☐ Reply
 - ☐ Terminal Disclaimer
 - ☒ Additional sheets containing statement establishing unintentional delay
 - ☐

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b) is being facsimile transmitted to the U.S. Patent and Trademark Office this 7th day of November, 2005.

Mariann Turn

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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: CQ10157

Ing-Shouh HWANG, et al.

Appln. No.: 10/753,258

Group Art Unit: Unknown

Confirmation No.: 6751

Examiner: Unknown

Filed: January 7, 2004

For: MOTION ACTUATOR

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO SUPPORT
PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Office under 37 U.S.C. 1.137(b) to withdraw the holding of abandonment in the subject application because the delay in filing the required reply from the due date for the required reply until the filing date of this petition under 37 U.S.C. 1.137(b) was unintentional. Specifically, the Notice To File Missing Parts mailed in this case has never been received. After receiving a notice of abandonment on May 17, 2005, on or about July 2, 2005, Applicants filed a submission under Official Gazette Notice 1156 O.G. 53, and, in the alternative, a Petition to Revive based on unavoidable delay under 37 U.S.C. 1.137(a), which was dismissed by the Office on September 15, 2005. After learning of said dismissal, Applicants promptly file the instant petition.

Atty. Docket No. CQ10157
PATENT APPLICATION

**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO
SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
U.S. Application No. 10/753,258**

The undersigned, Pavel Pogodin, Registration Number 48,205, Applicant's attorney,
hereby attests to the following facts to be true:

a. On May 17, 2005, I received Notice of Abandonment Under 37 C.F.R. 1.53(f) or
(g) for failure to respond to Notice to File Missing Parts mailed on 09/03/2004.

b. I affirm and attest that I have not received the aforementioned Notice to File
Missing Parts mailed by the patent office and that I have searched ALL my files and have found
no Notice to File Missing Parts concerning the subject case. I first became aware of the
aforementioned Notice to File Missing Parts on or about April 15, 2005, when I routinely
examined records in the PAIR database, after the time for reply thereto has already lapsed.

c. I practice patent law with my partner Joseph Bach, Reg. No. 37,771. Since my
patent law practice is small, I maintain no docket record for mailings received from the patent
office. Rather, each mailing is received personally by myself and is placed directly in the file
and worked upon by either myself or my partner Joseph Bach – we maintain no other staff.
Accordingly, no copy of a docket record is attached. However, had a mailing indeed been
delivered in this case, I would have had personal knowledge of it, because I personally collect
the mail from the mailing address of 617 North Delaware Street, San Mateo, California, 94401.
My partner Joseph Bach does not collect mail from the indicated address. Therefore, I have
personal knowledge that no Notice to File Missing Parts for this case has been delivered to me
by the postal service.

Atty. Docket No. CQ10157
PATENT APPLICATION

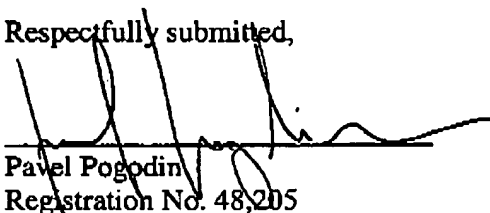
**STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO
SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR
PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
U.S. Application No. 10/753,258**

d. Applicants hereby petition the Office under 37 U.S.C. 1.137(b) to withdraw the holding of abandonment in the subject application because the delay in filing the required reply from the due date for the required reply until the filing date of this petition under 37 U.S.C. 1.137(b) was unintentional.

e. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Pavel Pogodin
Registration No. 48,205

SUGHRUE MION, PLLC
Telephone: (650) 625-8100
Facsimile: (650) 625-8110

MOUNTAIN VIEW OFFICE

23493

CUSTOMER NUMBER

Date: November 7, 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO SUPPORT PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b) is being facsimile transmitted to the U.S. Patent and Trademark Office this 7th day of November, 2005.


Mariann Tam